



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Baker et al. Docket No: 39780-2830P1C47

Serial No: 10/015,671 Group Art Unit: 1647

Filed: December 11, 2001 Examiner: Rachel B. Kapust

For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC ACIDS ENCODING THE SAME**

Commissioner for Patents
Washington, D.C. 20231

DECLARATION OF WILLIAM WOOD, Ph.D. UNDER 37 CFR 1.131

I, William Wood, Ph.D. do hereby declare and say as follows:

1. I am Director and Staff Scientist at the Department of Bioinformatics, of Genentech, Inc., South San Francisco, CA 94080.
2. I am one of the inventors of the above-identified application.
3. I have read and understood the claims pending in this application, and are aware that the claims have been rejected as anticipated by U.S. Patent Publication No. 2003/0096951 (Jacobs *et al.*, publication date May 22, 2003 and effective filing date August 14, 1998).
4. I, along with other inventors of this application, conceived and reduced to practice the polypeptide designated as PRO1244 (SEQ ID NO:130) claimed in the above-identified application in the United States prior to August 14, 1998.
5. At the time the PRO1244 polypeptide was cloned and sequenced I was responsible for overseeing the cloning of cDNAs which encoded novel polypeptides, including the cDNA that encoded PRO1244 polypeptide (SEQ ID NO:130) claimed in the above-identified application.
6. A cDNA clone, referred to as DNA64883-1526 in the above-identified application, was identified as encoding the PRO1244 polypeptide.
7. The full length of the cDNA clone is shown in Figure 73 of the above-identified application. The full-length cDNA sequence has 2213 nucleotide residues. The full

length of the PRO1244 peptide encoded by DNA64883-1526 is shown in Figure 74 of the above-identified application. The full-length PRO1244 polypeptide has 335 amino acid residues.

8. Copies of the pages from the GSeqEdit database which report the cloning and sequencing data for the PRO1244 polypeptide sequence and its encoding nucleic acid sequence are attached to this declaration (with the dates redacted) as Exhibit A.
9. The GSeqEdit report shows the full-length nucleic acid sequence for DNA-64883-1526 (identified as "DNA-64883") and the full-length PRO1244 polypeptide encoded by DNA 64883. Both the DNA-64883 and the PRO1244 polypeptide sequences were obtained prior to August 14, 1998.
10. The DNA-64883 sequence shown in the GSeqEdit report is identical to that of SEQ ID NO: 129 disclosed in the above-identified application.
11. The beginning of the cDNA sequence corresponding to SEQ ID NO: 129 in the above-identified application is shown on page 1 of the GSeqEdit database report and the location of the first nucleotide is marked with "^insert starts here" and an arrow. The location of the last nucleotide corresponding to SEQ ID NO: 129 is shown on page 11 and is marked with an arrow.
12. The amino acid sequence shown in the GSeqEdit report is identical to that of SEQ ID NO: 130 disclosed in the above-identified application.
13. The first 26 amino acid residues of the PRO1244 polypeptide (SEQ ID NO:130) encoded by the cDNA (DNA-64883) are also shown on page 1 of the GSeqEdit report and the remaining 309 residues appear on pages 2-6 of the report.
14. Exhibit A clearly shows that both the full-length DNA-64883 sequence and the full-length PRO1244 polypeptide sequence disclosed in the above-identified application were obtained prior to August 14, 1998.
15. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and

the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

William S. Wood
William Wood

6/9/04
Date

SV 2037583 v1
6/9/04 1:21 PM (39780.2830)



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For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC ACIDS ENCODING THE SAME**

Commissioner for Patents
Washington, D.C. 20231

DECLARATION OF AUDREY GODDARD, Ph.D. UNDER 37 CFR 1.131

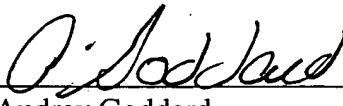
I, Audrey Goddard, Ph.D. do hereby declare and say as follows:

1. I am Senior Clinical Scientist at the Diagnostics, Development Sciences Department of Genentech, Inc., South San Francisco, CA 94080.
2. I am one of the inventors of the above-identified application.
3. I have read and understood the claims pending in this application, and are aware that the claims have been rejected as anticipated by U.S. Patent Publication No. 2003/0096951 (Jacobs *et al.*, publication date May 22, 2003 and effective filing date August 14, 1998).
4. I, along with other inventors of this application, conceived and reduced to practice the polypeptide designated as PRO1244 (SEQ ID NO:130) claimed in the above-identified application in the United States prior to August 14, 1998.
5. At the time the PRO1244 polypeptide was cloned and sequenced I was responsible for overseeing the sequencing of novel polypeptides, including the PRO1244 polypeptide (SEQ ID NO:130) claimed in the above-identified application.
6. A cDNA clone, referred to as DNA64883-1526 in the above-identified application, was identified as encoding the PRO1244 polypeptide.
7. The full length of the cDNA clone is shown in Figure 73 of the above-identified application. The full-length cDNA sequence has 2213 nucleotide residues. The full length of the PRO1244 peptide encoded by DNA64883-1526 is shown in Figure 74 of

the above-identified application. The full-length PRO1244 polypeptide has 335 amino acid residues.

8. Copies of the pages from the GSeqEdit database which report the cloning and sequencing data for the PRO1244 polypeptide sequence and its encoding nucleic acid sequence are attached to this declaration (with the dates redacted) as Exhibit A.
9. The GSeqEdit report shows the full-length nucleic acid sequence for DNA-64883-1526 (identified as "DNA-64883") and the full-length PRO1244 polypeptide encoded by DNA 64883. Both the DNA-64883 and the PRO1244 polypeptide sequences were obtained prior to August 14, 1998.
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15. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001

of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.


Audrey Goddard

6/17/04
Date

SV 2037583 v1
6/15/04 3:03 PM (39780.2830)



Exhibit A
to Declarations of Audrey Goddard and William Wood under 37 CFR 1.131

GSeqEdit Database Report



> [REDACTED]
>>DNA64883 [Full]
>>510 Sites [All Sites]
> [REDACTED] DNA64883 wiw GSeqEdit
> [REDACTED] DNA64883 zemin GSeqEdit
> [REDACTED] DNA64883 goddarda GSeqEdit
> [REDACTED] DNA64883 sheldens GSeqEdit
>>>HB64883.seq, sequenced at ABI/ACGT by Peter Ma and Ellison Chen
>>human ortholog of implantation-associated protein - Rattus

LETTER FROM THE EDITOR

mn11	alwN1 [dcm-]	alul	pvuII	bsmAI
	alw26I /bsmAI	bsaXI	hpy188I	mspAII /nspBII
101	CAGGCCCTGCG CCAAAGAAAG AAGGAGATGG TGTTATCTGA AAAGGTTAGT CAGCTGATGG AATGGACTAA CAAAAGACCT GTAAATAAGAA TGAATGGAGA			
27	GTCGGAGACG GGTTCTTC TTCCCTCACCA ACAATAAGACT TTACCTGATT TTACCTGATT GTTTCTGGAA CATTATTCTT ACTTACCTCT			
	A S A Q R K K E M V L S E K V S Q L M E W T N K R P V I R M N G D			
		tspRI	bst4CI /hpYCH4III	cac8I
		btsI	ahdI /eam1105I	cac8I
			hpYCH4V tspRI	hpYCH4V al
hpy99I	tp509I	nlalII		
201	CAAGTTCCGT CGCCCTTGCG NAGCCCCAC C GAGAAATTAC TCCGTTATCG TCATGTTCAC TGCTCTCCAA CTGCTAGAC AGTGTGTGT TTGCAAGCAA			
	GTTCAAGGCA GCGGAACACT TTGGGGTGG CTCTTTAATG AGGCAATAGC AGTACAAGTG ACGAGAGGT GACGTATCTG TCACACAGCA AACGTTCGTT			
60	K F R R L V K A P P R N Y S V I V M F T A L Q L H R Q C V V C K Q			

scrFI [dcm-]
 pspGI
 mvaI
 ecoRII [dcm-]
 dsaV [dcm-]
 bstNI
 bssKI [dcm-]
 apyI [dcm+]
 sau3AI
 mboI/ndeII [dam-]
 dpnII [dam-]
 dpnI [dam+]
 alwI [dam-]
 bstXI/xhoII
 alwNI [dcm-]
 alw26I/bsmAI
 tsp509I [M. ecoRI-]
 ecoRI pflMI [dcm-]
 apoI bsII [dcm-]
 mboII hpy188III
 scrFI [dcm-]
 pspGI
 mvaI
 ecoRII [dcm-]
 dsaV [dcm-]
 bstNI baeI
 bssKI [dcm-]
 apyI [dcm+]
 bpmI/gsul [dcm-]
 bsaJI
 btgI/bstDSI
 hpy18
 301 GCTGATGAG ATTCCAGAT CCTGGCAAC TCCTGGGAT ACTCCAGTGC ATTCAACAC AGGATATTTC TTGCCATGGT GGATTTGAT GAAGGCTCTG
 CGACTACTTC TTAAGGTCTA GGACCGTTG AGGACCGCTA TGAGGTCAAG TAAGTGGTGC TCCTATAAA AACGGTACCA CCTAAACTA CTTCCGAGAC
 93 A D E E F Q I L A N S W R Y S S A F T N R I F F A M V D F D E G S D

tsp509I [M. ecoRI-] hpyCH4V
 ecoRI apoI
 sfaNI aluI hpyCH4V
 hpy188I nlaIII aluI
 401 ATGTTATTCA GATGCTAACAC ATGAAATTCA GCTCCAACCTT CATCAACTTT CCTGCAAAG GGAAACCCAA ACGGGGTGTAT ACATATGAGT TACAGGTGCG
 TACATAAAAGT CTACGATTG TACTTAAGTC GAGGTGAAA GTAGTGAAA
 127 V F Q M L N M N S A P T F I N F P A K G K P K R G D T Y E L Q V R

ddeI [M. aluI-] hpyCH4V
 bspCNI mspI sau3AI
 cellI/espI hpAII mboI/ndeII [dam-]
 blpI/bpu1102I scrFI [M. hpAI-]
 aluI ncII dpnII [dam-]
 pvuII dsav dpnII [dam+]
 mspAII/nspBII bssKII alwII [dam-]
 501 GGTTTTCA GCTGAGCAGA TGCCCCGGTG GATGCGCGAC AGAACTGATG TCAATATTAG AGTGATTAG CCCCCAAATT ATGCTGGTCC CCTTATGTTG
 CCCAAAAAGT CGACTCGTCT AACGGGCCAC CTAGCGGTG TCTGACTAC AGTTATAATC TCACTAATCT GGGGGTTTAA TACGACCAZGG GGAATACAAAC

160 G F S A E Q I A R W I A D R T D V N I R V I R P P N Y A G P L M L

tagI aluI
 sflI tseI
 bstBI fokI
 bsiCI tru9I bstF5I
 baeI mboII mboII fnu4HI/bsoFI
 601 GGATTGCTTT TGGCTGTTAT TGGTGGACTT GTGTATCTTC GAAAGAAGTAA TATGGAATT CTCTTTAATA AAATGGGATG GGCTTTGCA GCTTGTGTT
 CCTAACGAAA ACCGACAATA ACCACCTGAA CACATAGAAG CTTCTTCATT ATACCTTAA GAGAAATTAT TTGACCTAC CGAACACAA

193 G L L A V I G G L V Y L R R S N M E F L F N K T G W A F A A L C F

scrFI [dcm-]								
pspGI								
mvaI								
ecoRII [dcm-]								
dsaV [dcm-]								
bstNI								
haeIII/palI								
mscI/balI [dcm-]								
eael [dcm-]								
cfrI								
scrFI [dcm-]								
pspGI								
mvaI bssKI [dcm-]								
ecoRII [dcm-]	tsp45I							
dsaV [dcm-]		maeII						
bstNI	hinPI							
bssKI [dcm-]	tspRI							
pflI bslI [dcm-]	hhaI/cfoI							
mlyI bsauI apyI [dcm+]								
hinRI apyI [dcm+]	btsI							
ddeI		ddeI						
bspCNI		bspCNI						
1901 AAGAGAAA TAGGCTAGT TAGAAAAGGA CTCCTGGCC AGGGCAGTG ACTTACGCTT GTAACTCTAG CACTTTGGGA GGCCAAAGGCA GGCAGATCAC								
TTCTCTTTT ATCCGAGTCA ATCTTTCCCT GAGGGACCGG TCCGGCTCAC TGAATGCGGA CATTAGACTC GTGAAACCTT CCGGTCTCCGT CGGTCTAGTG								

fnu4HI/bsoFI
 haelli/pallI
 mcri
 eagI/xmaIII/eclXI
 eael
 cfri
 pI
 bsiI rmaI
 mlyI notI maeI
 hinFI fnu4HI/bsoFI bfaI
 bsmAI acII acIII speI
 2201 GCGAGACTCC ATCTCAAAAA AAAAAAAA AAAAAAAGGG CGCCCGCCGA CTAGTGAGC
 CGCTCTGAGG TAGAGTTTTT TTTTTTTTTT TTTTTTTTCCCC GCGGGGGCT GATCAGTCG

> length: 2269

accI (GTMKAC) : 1501
 acII (CCGC) : 39 498 2250 2254
 afI(III) (ACRYGT) : 780 1586
 ahaII (TTTAAA) : 1150
 ahDI (GACNNNNNGTC) : 278 714
 aluI (AGCT) : 152 300 429 510 690 822 888 1015 1345 1476 1816 2070 2102
 alw26I (CAGNNNCTG) : 101 316
 alwI (GGATCNNNN) : 318 530
 alwNI (CAGNNNCTG) : 101 316
 apoI (RAATTY) : 3 310 423 655 1464
 apyI (CCWGG) : 321 332 1422 1934 1939 2023 2189
 asp700 (GAANNNNNTTC) : 1464 1749
 aspHI (GWGCWC) : 1582